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* Application for leave to appear pro
hac vice for this case made by Motion on
February 11, 2008 pursuant to Local Civil
Rule 1.3(c).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

TOM OGNIBENE, et al.,

Plaintiffs,

-against-

C.A. No. 08 CV 01335 (LTS) (TDK)

SCHWARZ, et al.,

Defendants.

X

DECLARATION OF ROBERT PEREZ

I, Robert Perez, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am principal owner of Diamond Asphalt Corp., Inc., with an ownership stake of more than ten percent of the company. I am over eighteen years of age and my statements herein

are based on personal knowledge.

2. Diamond Asphalt does construction work on city streets and bids for contracts valued at or above five hundred thousand dollars (\$500,000). It therefore meets the definition of an entity which has business dealings with the City, as set forth in section 3-702(18)(a) of the Code.

3. Because I own more than a ten percent ownership stake of Diamond Asphalt, I meet the definition of a person who has business dealings with the City, as set forth in sections 3-702(20) and 3-703(1-a) of the Code. I am therefore subject to the lower contribution limits imposed by section 3-703(1-a) of the Code, and my contributions are excluded from being matched by section 3-702(3) of the Code.

4. I intend to contribute to the candidate(s) of my choice in the 2009 election cycle. I would like to be able to contribute up to the higher contribution limits set by section 3-703(1)(f) of the Code. I would do so but for the lower limits imposed by section 3-703(1-a) of the Code.

5. I would also like for my contribution(s) to candidates who participate in public financing to be matchable, so that my contributions are as helpful to the candidate(s) of my choice as are the contributions of other people. However, my contributions are specifically excluded from being matched by section 3-702(3) of the Code.

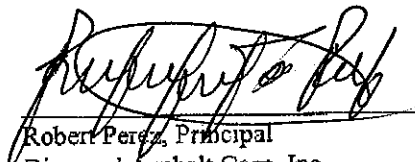
6. Sections 3-702(3) and 3-703(1-a) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

7. Because candidates are currently raising funds for the 2009 election, it is imperative that the Court grant relief immediately. Every day that passes without judicial relief

is another day that my First and Fourteenth Amendment rights are impermissibly burdened.

8. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 21, 2008.



Robert Perez, Principal
Diamond Asphalt Corp, Inc.
99 Paidge Avenue
Brooklyn, New York 11222